

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 18-0600V

UNPUBLISHED

EMILY MOSS and RYAN MOSS, on
behalf of M.M., a minor child,

Petitioners,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: July 2, 2020

Special Processing Unit (SPU); Joint
Stipulation on Damages; Influenza
(Flu) Vaccine; Hepatitis A (Hep A)
Vaccine; Guillain-Barre Syndrome
(GBS)

Alison H. Haskins, Maglio Christopher & Toale, PA, Sarasota, FL, for petitioners.

Camille Michelle Collett, U.S. Department of Justice, Washington, DC, for respondent.

DECISION ON JOINT STIPULATION¹

On April 26, 2018, Emily Moss and Ryan Moss, on behalf of M.M., a minor child, filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*² (the “Vaccine Act”). The petition alleges that M.M. suffered Guillain-Barre Syndrome (“GBS”) as a result of influenza (“flu”) and hepatitis A (“Hep A”) vaccinations received on November 1, 2016. Petition at 1-2; Stipulation, filed at July 1, 2020, ¶¶ 1-4. Petitioners further allege that the vaccines were administered in the United States, that M.M. suffered the residual effects of the injury for more than six months, and that there has been no prior award or settlement of a civil action for damages on behalf of M.M. as a result of his condition. Petition at 1,4; Stipulation at ¶¶ 3-5. The stipulation indicates that “[r]espondent denies that M.M. sustained a GBS Table injury, and further denies that the flu and/or Hep A vaccines caused M.M.’s alleged GBS, or any other injury, or his current condition; the medical

¹ Because this unpublished decision contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims’ website in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). **This means the decision will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), Petitioners have 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all “§” references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

records document that M.M. suffered a viral illness in close temporal proximity to the onset of his alleged GBS, a more likely cause of GBS.” Stipulation at ¶ 6.

Nevertheless, on July 1, 2020, the parties filed the attached joint stipulation, stating that a decision should be entered awarding compensation. I find the stipulation reasonable and adopt it as my decision awarding damages, on the terms set forth therein.

Pursuant to the terms stated in the attached Stipulation, **I award** the following compensation:

- **A lump sum of \$15,000.00, which amount represents compensation for past unreimbursable expenses, in the form of a check payable to Petitioners;**
- **A lump sum of \$7,027.16, which amount represents the reimbursement of a lien for vaccine injury-related services rendered on behalf of M.M., in the form of a check payable jointly to Petitioners and the Agency for Health Care Administration, and mailed to:**

**Florida Medicaid Casualty Recovery Program
P.O. Box 12188
Tallahassee, FL 32317
Case Number: 682772**

Petitioners agree to endorse this check to the Agency for Health Care Administration.

- **A lump sum of \$40,781.08, which amount represents the reimbursement of a lien for vaccine injury-related services rendered on behalf of M.M., in the form of a check payable jointly to Petitioners and the Florida Department of Health, Children’s Medical Services, and mailed to:**

**Florida Department of Health
Children’s Medical Services (CMS)
2390 Phillips Road
Tallahassee, FL 32308
CMS ID No.: 20191125MM01**

Petitioners agree to endorse this check to the Florida Department of Health, Children’s Medical Services.

- **An amount sufficient to purchase the annuity contract described in paragraph 10 of the Stipulation, paid to the life insurance company from which the annuity will be purchased (the “Life Insurance Company”).**

Stipulation at ¶ 8. These amounts represent compensation for all items of damages that would be available under Section 15(a). *Id.*

I approve the requested amount for Petitioners' compensation. In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court is directed to enter judgment in accordance with this decision.³

IT IS SO ORDERED.

s/Brian H. Corcoran

Brian H. Corcoran
Chief Special Master

³ Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by the parties' joint filing of notice renouncing the right to seek review.